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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/921,573	08/06/2001	Han Chung Tseng		7060

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EXAMINER

PRONE, JASON D

ART UNIT	PAPER NUMBER
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3724

DATE MAILED: 04/11/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/921,573

Applicant(s)

TSENG, HAN CHUNG

Examiner

Jason Prone

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: In Figure 11, item "85". In Figure 13, items "5" and "85". A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Objections

2. Claims 1 and 7 are objected to because of the following informalities: On line 10 of claim 1, the phrase "whereby when the blade seat is slided" and on lines 3-4 of claim 7, the phrase "the blade seat and up and down movable relative to the blade seat" are unclear and must be rewritten. Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. Claim 1 recites the limitations "the travel" on line 23, "the depth on line 27, and "the thickness" on line 29. There is insufficient antecedent basis for this limitation in the claim.

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6. Claim 3 recites the limitation "the thickness" on line 4. There is insufficient antecedent basis for this limitation in the claim.
7. Claim 5 recites the limitation "the same" on line 4. There is insufficient antecedent basis for this limitation in the claim.
8. Claim 7 recites the limitations "the top end of the push member" on line 5 and "the top end of the main body" on line 8. There is insufficient antecedent basis for this limitation in the claim.
9. Applicant should note that the limitations such as "means of the guiding of the guide rail" on line 23 of claim 1 and "means of the guiding of the slope section" on line 3 of claim 2 are not in compliance with the Supplemental Guidelines published in the Official Gazette on July 25, 2000. Such limitations cannot be used to invoke 35 USC 112, 6th paragraph, and have therefore been given their broadest reasonable interpretation, without considering equivalence

Claim Rejections - 35 USC § 102

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

11. Claims 1-5 and 7 are rejected under 35 U.S.C. 102(e) as being anticipated by Ping (6,446,340).

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'340 disclose the same invention including a knife (1) with spare blades (B) comprising a main body (2) in which a blade seat (58) is back and forth slidably disposed (Fig. 5), that the main body is formed with a receptacle (30) corresponding to the blade seat for receiving multiple spare blades (Fig. 6), that each blade has more than 1 engaging notch (N), that the receptacle is formed with a locating section (36) corresponding to the engaging notch of the blade (Fig. 2), that the blade seat has an engaging block (59) corresponding to the engaging notch of the blade (Fig. 22), that the blade seat slides and the blade is driven to extend out of an exit at a front end of the main body (Fig. 17-Fig. 18), that the main body is provided with a press button for pushing the engaging block to disengage from the engaging notch of the blade, whereby the blade can be drawn out and replace (41), a spring being positioned between the engaging block and the blade seat for pushing the engaging block to insert into the engaging notch of the blade (22), that the main body has a guide rail corresponding to the engaging block (Fig. 1), that the engaging block is pushed out by the spring and inserted into the engaging notches of the blade deeper and deeper and in returning travel the depth is gradually reduced (Figs. 17 and 18), that the front section of the guide rail is a slope section (Fig. 19), that the blade seat is formed with a cavity with a depth is shorter than the thickness of the blade (Fig. 1), that the blade seat has a slot rearward extending from the blade cavity (Fig. 19), that the receptacle had a projecting block corresponding to the slot that serves to stop the blade from sliding backwards along with the blade seat (Fig. 6), that one side of the receptacle has an opening passing through the main body opposite the blade seat (Fig. 1), a cover being

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pivotaly disposed at the opening (33), that the cover has an inward projecting resilient member (42), that the blade seat is controlled by a push member (72), that the push member is inserted in the blade seat and is movable up and down relative to the blade seat (Fig. 1), a push button being disposed at the top end of the push member (71), a spring positioned between the push button and the blade seat (Fig. 1), that the top of the main body is formed with a slot corresponding to the push button (11), that bottom edges of two sides of the slot are formed with multiple engaging recesses at intervals (Fig. 1), and that two sides of the push button are formed with projections for engaging the recesses (Fig. 11).

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claim 6 rejected under 35 U.S.C. 103(a) as being unpatentable over '340 in view of Quenot. '340 discloses the invention but fails to disclose that a handle is pivotaly connected with the main body, that the handle is formed with a chamber for receiving spare blades, that the handle has a hook section and the main body has a locking member that the hook section locks to. Quenot teaches a handle (12) that is pivotaly connected with the main body (13), that the handle is formed with a chamber for receiving spare blades (Fig. 1), that the handle has a hook section (10) and the main body has a locking member (11) that the hook section locks to (Fig. 3). Therefore, it

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would have been obvious to one of ordinary skill in the art, at the time of the invention, to have provided '340 with a pivot handle for storing extra blades, as taught by Quenot, to allow for added storage for the tool to hold additional blade.

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Quinn, Schmidt, Beyers, Martone et al., Lin, Bigham et al., Khachatoorian et al., Sun, Chun, Ping ('246), and Liao.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Prone whose telephone number is 703-605-4287. The examiner can normally be reached on 7:30-5:00, Mon - (every other) Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allen N. Shoap can be reached on 703-308-1082. In lieu of mailing, it is encouraged that all formal responses be faxed to 703-872-9302.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.

JP

April 4, 2003


Allen N. Shoap
Supervisory Patent Examiner
Group 3700